

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN C., THERESA C.  
INDIVIDUALLY AS PARENTS AND  
NATURAL GUARDIANS OF B.C.,  
Plaintiffs,

v.

FOUNDATIONS BEHAVIORAL  
HEALTH, GINA M. FUSCO,  
MOHAMMED YUSUF MODAN, JON  
LYFORD, ANTHONY CUSATE, WENDY  
MONTE, DANA BACHMAN, DONNA  
NEWTO-PUTIGNANO, AMY  
DOLLINGER, TIM(LAST NAME  
UNKNOWN), BERNARD OTABIL, AND  
UNKNOWN EMPLOYEES,  
Defendants.

CIVIL ACTION

NO. 20-6431

**ORDER**

AND NOW, this 7<sup>th</sup> day of December, 2023, upon careful consideration of Defendants' Motion for Summary Judgment (ECF No. 57), Plaintiffs' response thereto (ECF No. 62), and Defendants' reply (ECF No. 64), Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART**. In particular, it is hereby ordered that:

1. Summary judgment is **GRANTED** on Count I of Plaintiffs' Amended Complaint (ECF No. 31) with respect to Defendants UHSD, UHSI, and Monte. Summary judgment is further **GRANTED** with respect to Defendant Foundations for any liability stemming from its direct corporate negligence only. Summary judgment is **DENIED** on Count I with respect to all other Defendants and theories of liability.
2. Summary judgment is **GRANTED** on Count II with respect to Defendants UHSD and UHSI. Summary judgment is **DENIED** with respect to Defendant Foundations.
3. Summary judgment is **GRANTED** on Count III with respect to all Defendants.
4. Summary judgment is **GRANTED** on Count IV with respect to Defendants UHSD and UHSI. Summary judgment is **DENIED** on Count IV with respect to all other Defendants.

5. Summary judgment is **GRANTED** on Count V with respect to Defendants UHSD and UHSI. Summary judgment is **DENIED** on Count V with respect to all other Defendants.
6. Summary judgment is **GRANTED** on Count VI with respect to Defendants UHSD and UHSI. Summary judgment is **DENIED** on Count VI with respect to all other Defendants.
7. Summary judgment is **GRANTED** on Count VII with respect to all Defendants.

It is further ordered that all unknown Defendants, including Tim (Last Name Unknown) are **DISMISSED** from this case.

**BY THE COURT:**

**/s/Wendy Beetlestone, J.**

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**WENDY BEETLESTONE, J.**